

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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TOMMY STEWART,

Petitioner,

v.

NEVADA, STATE OF, et al.,

Respondents.

Case No. 2:21-cv-01245-RFB-NJK

ORDER

Petitioner Tommy Stewart has submitted what he has styled as a *pro se* notice of appeal of the denial of his state petition for writ of habeas corpus (ECF No. 1-1). His filing suffers from several defects. First, he has failed to include either the \$5.00 filing fee or a fully completed application to proceed *in forma pauperis*. Local Rule LSR 1-2.

Second, to challenge his state court conviction or sentence in federal court he must file a federal petition for writ of habeas corpus and that petition must be on the court's form. This court may entertain a petition for writ of habeas corpus "in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2254(a). Alleged errors in the interpretation or application of state law do not warrant habeas relief. Hubbart v. Knapp, 379 F.3d 773, 779-80 (9th Cir. 2004).

Accordingly, this action will be dismissed as improperly commenced and for failure to state a claim for which relief may be granted.

**IT IS THEREFORE ORDERED** that this action is dismissed without prejudice as improperly commenced and for failure to state a claim cognizable in federal habeas corpus.

1           **IT IS FURTHER ORDERED** that a certificate of appealability is denied.

2           **IT IS FURTHER ORDERED** that the Clerk **SEND** to petitioner one copy of the  
3 application to proceed *in forma pauperis* with instructions and one copy of the court's form  
4 28 U.S.C. § 2254 habeas corpus petition.

5           **IT IS FURTHER ORDERED** that the Clerk enter judgment accordingly and close  
6 this case.

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8           DATED: 4 August 2021.

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12 RICHARD F. BOULWARE, II  
13 UNITED STATES DISTRICT JUDGE  
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